

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARGIE BROCK,
Plaintiff,

vs.

SANDY CITY POLICE DEPT, et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER

Case No. 2:10-CV-570 TS

This matter is before the Court for screening of Plaintiff's Complaint. Plaintiff Margie Blake-Brock is proceeding pro se and in forma pauperis. She filed her Complaint with the Court on June 21, 2010.

On April 4, 2012, the Court screened Plaintiff's Proposed Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2). As a result of that screening, the Court found that Plaintiff failed to properly allege a claim against any Defendant. Plaintiff's Proposed Amended Complaint named as Defendants Sandy City Police Department and Sandy City Corporation, and alleged violations of 42 U.S.C. § 1983, denial of equal protection, and breach of statutory duty.

Plaintiff first alleged that both Defendants should be held liable under § 1983 for acts allegedly committed by Sandy City Police Department officers. However, because a municipality cannot be held liable under § 1983 for injuries inflicted solely by its employees or agents and Plaintiff did not allege that the execution of a government policy led to the deprivations alleged in her Complaint, Plaintiff did not properly allege a claim under § 1983.

Furthermore, Plaintiff did not allege that a law or ordinance was behind the alleged equal protection deprivations. Finally, “with respect to her claim for breach of statutory duty, Plaintiff [did] not allege what statute applies, what duty Defendants are breaching, or what Defendants are doing to breach that duty.”¹

The Court then gave Plaintiff thirty days to file “an Amended Complaint that sets forth which constitutional or statutory rights are allegedly being violated and both the person(s) and action(s) allegedly violating those rights. In doing so, the Court remind[ed] Plaintiff that claims must be more than speculative, but be set forth with specificity.”²

On May 4, 2012, Plaintiff re-filed with the Court the same Proposed Amended Complaint that the Court had previously screened. As Plaintiff is proceeding pro se and out of an abundance of caution, the Court will give Plaintiff one more opportunity to amend her Complaint in compliance with the directions set forth above.

Based on the foregoing, it is therefore

ORDERED that Plaintiff file a new Amended Complaint, as set forth above, within thirty (30) days from the date of this Order. Failure to file an Amended Complaint that meets the above requirements will result in dismissal of this case.

DATED May 10, 2012.

BY THE COURT:



TED STEWART
United States District Judge

¹ Docket No. 13, at 4.

² *Id.*